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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 DEMARIO F. EDWARDS,

11 Defendant.

Case No. 2:12-CR-0175-KJD-VCF

12 **ORDER**

13 Before the Court is Defendant Demario F. Edwards' Unopposed Motion to Withdraw Guilty
14 Plea (#113). Defendant pled guilty under the collective understanding that his Nevada state attempted
15 burglary conviction was a "crime of violence" under U.S.S.G. §4B1.2(a). However, subsequent to
16 Defendant's plea, the Ninth Circuit decided United States v. Edwards, which indicates that
17 Defendant's prior conviction was not a "crime of violence." 12-10204, 2013 WL 4105532 (9th Cir.
18 Aug. 15, 2013). The Government concedes that this intervening change constitutes a "fair and just"
19 reason for withdrawal. United States v. Ortega-Ascanio, 376 F.3d 879, 883 (9th Cir. 2004). Having
20 reviewed the Motion and good cause appearing, Defendant's Motion to Withdraw Guilty Plea (#113)
21 is **HEREBY GRANTED**.

22 DATED this 28th day of October 2013.

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Kent J. Dawson
United States District Judge